



2006 NOV 24 PM 4:07

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles Cornelus VAN DONGEN, et al.

Serial No.: 10/573,860 Group No.:

Filed: March 28, 2006 Examiner:

For: THE DESIGN OF ELECTROSTATIC LOUDSPEAKERS

Attorney Docket No.: U 016157-1

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Deposit account 12-0425 was charged \$130.00 for filing a Declaration after 30 months (fee code 1617) on July 18, 2006 (control no. 1).

Copies of the Petition to Revive, Declaration and Express Mail receipt therefor are attached. The revival is effective from the thirty month's date and, therefore, so is the Declaration filed therewith. With the Declaration effectively filed within the thirty month's date, no charge for filing it thereafter should be due.

Refund to deposit account 12-0425 of \$130.00 is, therefore, requested.

Respectfully submitted,

William R. Evans  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 25858  
Tel. No. (212) 708-1930

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

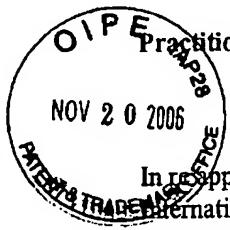
Date: November 16, 2006

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office to (571) 273-8300

Signature

William R. Evans



Practitioner's Docket No. U 016157-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles Cornelus VAN DONGEN, et al

International Application No.: PCT/AU2004/000335

International Filing Date: March 18, 2004 Priority Date Claimed: March 18, 2003

For: IMPROVEMENTS IN THE DESIGN OF ELECTROSTATIC LOUDSPEAKERS

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 C.F.R. § 1.137(b)

NOTE: "In a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995, any petition to revive pursuant to this section must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. Any terminal disclaimer pursuant to this paragraph must also apply to any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The provisions of this paragraph do not apply to lapsed patents." 37 C.F.R. § 1.137(c).

NOTE: In accordance with the Notice of November 5, 1990 (1121 O.G. 6), an application abandoned under 37 C.F.R. § 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may be revived under the procedure of 37 C.F.R. § 1.137(b).

CERTIFICATION UNDER 37 C.F.R. 1.10\*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date March 28, 2006, in an envelope as "Express Mail Post Office to Addressee", in ailing Label Number EV 815 583 517 US, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

GERALDINE MARTI  
(type or print name of person mailing paper)

Geradine Marti

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

1. This application became abandoned on September 19, 2005

**NOTE:** *Extensions under 37 C.F.R. § 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of § 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. Thus: "An application which is abandoned for failure to respond within a set period with no extension fee having been paid, would not require the payment of extension fees as a condition for revival." M.P.E.P. § 711.03(c), 6th ed., rev. 2.*

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

3. Response or action required

has been filed.  
 is attached.

**NOTE:** *If the Response is the Issue Fee, the Issue Fee must be paid. See 11-5.*

**NOTE:** *The PTO accepts the filing of a continuing application as a response under 37 C.F.R. § 1.137. To facilitate processing in such a case, the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, (1031 O.G. 11-12). See also M.P.E.P. § 711.03(c), 6th ed., rev. 2. "In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof." 37 C.F.R. § 1.137(b)(1).*

*(complete the following, if applicable)*

The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application or an express request for U. S. national stage entry.

4. Showing Required When Petition Being Filed Is More Than 3 Months From Notification of Abandonment or More Than 1 Year After Abandonment

**NOTE:** *The applicant must carry the burden of proof to establish that the "entire" delay, from the due date for the fee and the filing of a grantable petition, was unintentional regardless of the circumstances that originally resulted in the abandonment of the application. M.P.E.P. Section 711.03(c), 8th Edition.*

*(complete the following, if applicable)*

Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. Section 1.137(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997). See M.P.E.P., Section 711.03(c), 8th Edition, 700-185.

Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997). See M.P.E.P., Section 711.03(c), 8th Edition, 700-185.

5. Fee (37 C.F.R. 1.17(m))

Application status is:

Small entity-fee \$750.00  
 A statement is attached.  
 A statement was filed.  
 Other than small entity-fee \$1,500.00

6. Payment of fee

Enclosed please find check for  \$750.00.  \$1,500.00.

Charge Account 12-0425 for any additional fee required.

Charge Account \_\_\_\_\_ the sum of  \$750.00.  \$1,500.00.  
A duplicate of this petition is attached.

Credit any overpayment to deposit account 12-0425.

Date: 16 MARCH 2006

L. A. Champion

Signature of person making statement that  
abandonment was due to an unintentional delay

LINDSAY ALFRED CHAMPION  
(type or print name of person making statement)

1 GRIGG AVENUE VERNON 3133,  
Residence of person making statement

VICTORIA, AUSTRALIA

Reg. No. 35,402

SIGNATURE OF PRACTITIONER

Steven J. Wallach  
(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

Customer No.:



00140

PATENT TRADEMARK OFFICE

Practitioner's Docket No. \_\_\_\_\_

**PATENT**



Optional Customer No. Bar Code

\*00140\*

00140

PATENT TRADEMARK OFFICE

---

**COMBINED DECLARATION AND POWER OF ATTORNEY**

---

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)**

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

*(check one applicable item below)*

original.  
 design.

**NOTE:** *With the exception of a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration is not treated as an amendment under 37 CFR 1.312 (Amendments after allowance). M.P.E.P. Section 714.16, 7<sup>th</sup> Ed.*

supplemental.

**NOTE:** *If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.*

national stage of PCT.

**NOTE:** *If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.*

**NOTE:** *See 37 C.F.R. Section 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.*

divisional.  
 continuation.

**NOTE:** *Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. Section 1.53(b) (application filing requirements-nonprovisional application).*

continuation-in-part (C-I-P).

## INVENTORSHIP IDENTIFICATION

**WARNING:** *If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

### TITLE OF INVENTION

#### IMPROVEMENTS IN THE DESIGN OF ELECTROSTATIC LOUDSPEAKERS

### SPECIFICATION IDENTIFICATION

The specification of which:

(complete (a), (b), or (c))

(a)  is attached hereto.

**NOTE:** *The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

*"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;*

*"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or*

*"(3) name of inventor(s), and title which was on the specification as filed."*

*Notice of July 13, 1995 (1177 O.G. 60).*

(b)  was filed on \_\_\_\_\_,  as Application No. \_\_\_\_\_  
 and was amended on \_\_\_\_\_ (if applicable).

**NOTE:** *Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. Section 1.67.*

**NOTE:** *The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

- (A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
- (B) serial number and filing date;
- (C) attorney docket number which was on the specification as filed;
- (D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
- (E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

*M.P.E.P. § 601.01(a), 7th ed.*

(c)  was described and claimed in PCT International Application No. \_\_\_\_\_ filed on 18 March 2004 and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

PCT/AU2004/000335

**SUPPLEMENTAL DECLARATION (37 C.F.R. Section 1.67(b))**

*(complete the following where a supplemental declaration is being submitted)*

I hereby declare that the subject matter of the

attached amendment

amendment filed on \_\_\_\_\_

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56,

*(also check the following items, if desired)*

and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. Section 1.98.

**PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))**

**NOTE:** 37 C.F.R. § 1.55 Claim for foreign priority.

"(a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b).

(i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing. The time period in this paragraph does not apply to an application for a design patent.

(ii) In an application that entered the national stage from an International application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT."

(2) The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) or PCT Rule 17 must, in any event, be filed before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by the processing fee set forth in § 1.17(i), but the patent will not include the priority claim unless corrected by a certificate of correction under 35 U.S.C. 255 and § 1.323.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d)  no such applications have been filed.  
(e)  such applications have been filed as follows.

*NOTE: Where item (e) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.*

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119
AU	2003901251	18 March 2003	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PCT	PCT/AU2004/000335	18 March 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. Section 119(e))**

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

/  
/  
/

FILING DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. SECTION 120**

The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

**NOTE:** *If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. Section 120.*

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

JOSEPH H. HANDELMAN, 26179

JULIAN H. COHEN, 20302

JOHN RICHARDS, 31053

WILLIAM R. EVANS 25858

RICHARD J. STREIT, 25765

JANET I. CORD, 33778

PETER D. GALLOWAY, 27885

CLIFFORD J. MASS, 30086

RICHARD P. BERG, 28145

CYNTHIA R. MILLER, 34678

*(Check the following item, if applicable)*

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

**NOTE:** "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4).". Section 601.03, M.P.E.P., 7th Ed

---

**SEND CORRESPONDENCE TO**

**Ladas & Parry**  
**26 West 61<sup>st</sup> Street**  
**New York, N.Y. 10023**

**DIRECT TELEPHONE CALLS TO:**  
*(Name and telephone number)*

**Julian H. Cohen**  
**(212) 708-1887**

---

*(complete the following if applicable)*

Since this filing is a  continuation  divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

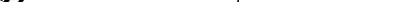
**NOTE:** Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

**NOTE:** Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 C.F.R. Section 1.63(a)(3).

**NOTE:** Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, *inter alia*, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

**Full name of sole or first inventor**

CHARLES CORNELIUS VAN DONGEN  
(Given Name) (Middle Initial or Name) Family (Or Last Name)

Inventor's signature, (X) 

Date (X) 23/2/06 Country of Citizenship Australia

Residence 4 Chamouni Court, Frankston, Victoria, 3199, Australia.

Post Office Address same as above

Full name of second joint inventor, if any

LINDSAY ALFRED CHAMPION  
(Given Name) (Middle Initial or Name) Family (or Last Name)

Inventor's signature (X) 

Date (X) 3/8/07 Country of Citizenship

Residence 1 Grigg Avenue, Vermont, Victoria, 3132, Australia

**Post Office Address:** same as above

Full name of third joint inventor, if any

GROVER LATHAM HOWARD  
(Given Name) (Middle Initial or Name) (Family or Last Name)

Inventor's signature: 

Date 22 Feb 06 Country of Citizenship United States

Country of Citizenship Australia

Post Office Address \_\_\_\_\_ as above \_\_\_\_\_

**SIGNATURE(S)**

**NOTE:** Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other document.

**NOTE:** Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 C.F.R. § 1.63(a)(3).

**NOTE:** Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, *inter alia*, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

Full name of inventor

ROBERT  
(Given Name)

NEIL  
(Middle Initial or Name)

MACKINLAY  
Family (Or Last Name)

Inventor's signature (X) Robert Mackinlay

Date (X) 22/3/06 Country of Citizenship British

Residence 546 Brookton Highway, Roleystone, Western Australia, 6111, Australia

Post Office Address "as above"

*(check proper box(es) for any of the following added page(s)  
that form a part of this declaration)*

Signature for fourth and subsequent joint inventors. *Number of pages added* 1  
\* \* \*

Signature by administrator(trix), executor(trix) or legal representative for deceased or  
incapacitated inventor. *Number of pages added* \_\_\_\_\_  
\* \* \*

Signature for inventor who refuses to sign or cannot be reached by person authorized under  
37 C.F.R. Section 1.47. *Number of pages added* \_\_\_\_\_  
\* \* \*

Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal  
representative cannot be appointed in time. (37 C.F.R. Section 1.47)  
\* \* \*

Added pages to combined declaration and power of attorney for divisional, continuation, or  
continuation-in-part (C-I-P) application.  *Number of pages added* \_\_\_\_\_  
\* \* \*

Authorization of practitioner(s) to accept and follow instructions from representative.

*(If no further pages form a part of this Declaration,  
then end this Declaration with this page and check the following item)*

This declaration ends with this page.

BEST AVAILABLE COPY

EV 815583517 US

ORIGIN (POSTAL SERVICE USE ONLY)		Day of Delivery	Postage																								
PO ZIP Code 10023			\$ 14.40																								
Date Accepted 3/28/06		Scheduled Date of Delivery 3/29/06	Return Receipt Fee \$																								
Mo. <input checked="" type="checkbox"/> Day		Scheduled Time of Delivery 11 AM	COD Fee \$																								
Time Accepted 1600 <input type="checkbox"/> PM		<input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	Insurance Fee \$																								
Flat Rate <input type="checkbox"/> or Weight 1 lbs. 0.00 oz.		<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$ 14.40																								
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No.		Int'l Alpha Country Code	Acceptance Emp. Initials																								
FROM: (PLEASE PRINT) LADAS & PARRY, LLP 26 W 81ST ST NEW YORK		TO: (PLEASE PRINT) Mail Stop Petition Commissioner for Patients P.O. BOX 1450 Alexandria, VA 22313-1450																									
FOR PICKUP OR TRACKING: Visit <a href="http://WWW.USPS.COM">WWW.USPS.COM</a> or Call 1-800-222-1811																											
 <b>EXPRESS MAIL</b> UNITED STATES POSTAL SERVICE Post Office To Addressee																											
<table border="1"><thead><tr><th>Delivery Attempt</th><th>Time</th><th><input type="checkbox"/> AM <input type="checkbox"/> PM</th><th>Employee Signature</th></tr></thead><tbody><tr><td>Mo. <input type="checkbox"/> Day</td><td></td><td></td><td></td></tr><tr><th>Delivery Attempt</th><th>Time</th><th><input type="checkbox"/> AM <input type="checkbox"/> PM</th><th>Employee Signature</th></tr><tr><td>Mo. <input type="checkbox"/> Day</td><td></td><td></td><td></td></tr><tr><th>Delivery Date</th><th>Time</th><th><input type="checkbox"/> AM <input type="checkbox"/> PM</th><th>Employee Signature</th></tr><tr><td>Mo. <input type="checkbox"/> Day</td><td></td><td></td><td></td></tr></tbody></table> <p>RECEIVED BY MAILING OR EXPRESS COMPANY AT ADDRESS ON DATE BY PERSON NAME TITLE ADDRESS CITY STATE ZIP CODE PHONE NUMBER CITY STATE ZIP CODE PHONE NUMBER</p> <p>BU CIRCLE STA NEW YORK MAR 28 2006</p>				Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	Mo. <input type="checkbox"/> Day				Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	Mo. <input type="checkbox"/> Day				Delivery Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	Mo. <input type="checkbox"/> Day			
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature																								
Mo. <input type="checkbox"/> Day																											
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature																								
Mo. <input type="checkbox"/> Day																											
Delivery Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature																								
Mo. <input type="checkbox"/> Day																											



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 11, 2007

C/O LADAS & PARRY, LLP  
26 WEST 61ST STREET  
NEW YORK, NY 10023  
US

Dear Sir/Madam,

Your refund request for 10573860 in the amount of \$130.00 has been denied .

Decision on Petition charged for late Declaration. (see rule 37 CFR 1.497(a)-(b). mp

Sincerely,

RITA WHITE  
PCT - National  
703 308-9140 x231